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6 UNITED STATES DISTRICT COURT  
7 DISTRICT OF NEVADA

8 ELLEN THOMAS, individually  
9 Plaintiff,

10 v.

11 SMITH'S FOOD AND DRUG CENTERS,  
INC.; THE KROGER CO.; ABC  
12 CORPORATIONS I-X; BLACK AND  
WHITE COMPANIES I-X; and JOHN  
13 DOES I-X, inclusive,

14 Defendants.  
15 \_\_\_\_\_/

Case No. 3:23-cv-00439-ART-CSD

**STIPULATION AND ORDER TO  
EXTEND DEADLINE TO RESPOND  
TO DEFENDANTS MOTION TO  
STRIKE/EXCLUDE ANY CLAIM FOR  
FUTURE DAMAGES AND  
DEFENDANTS MOTION FOR  
SUMMARY JUDGMENT**

16 IT IS HEREBY STIPULATED AND AGREED between the parties hereto, ELLEN  
THOMAS, individually by and through her attorney Phillip Dorin, Esq. of Bradley, Drendel &  
17 Jeanney, and SMITH'S FOOD AND DRUG CENTERS, INC., by and through their attorney  
18 Jerry S. Busby, Esq. of Cooper Levenson, that the Plaintiff shall have until April 26<sup>th</sup>, 2024 to  
19 make her response to Defendant SMITH'S FOOD AND DRUG CENTERS, INC.'s Motion to  
20 Strike/Exclude Any Claim for Future Damages and Defendants Motion for Summary Judgment  
21 that was filed on April 3, 2024. Defendant then shall be allowed file his reply on or before May  
22 3, 2024.

23 AFFIRMATION Pursuant to NRS 239B.030

24 The undersigned does hereby affirm that the preceding document does not contain the  
25 personal information of any person.  
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1 Dated this 8 day of April 2024.

Dated this 9th day of April 2024.

2 BRADLEY, DRENDEL & JEANNEY

COOPER LEVENSON

3  
4 /s/ Jerry S. Busby

5 Phillip Dorin, Esq.

Jerry S. Busby, Esq.

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7 **ORDER**

8 IT IS SO ORDERED:

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10 Dated this 10th day of April 2024.

11 C S J  
12 UNITED STATES MAGISTRATE JUDGE  
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